

REMARKS

In the outstanding Official Action, claims 1-11 were allowed, while claim 12 was rejected under 35 USC 101 because the claimed invention was deemed to be directed to non-statutory subject matter. More particularly, it was suggested in the Action that claim 12 was drawn to a "program" *per se* and as such is non-statutory subject matter.


In response, claim 12 is herewith amended to delete the phrase "computer program product" in the preamble, and to substitute the recitation of a "control unit comprising a program memory", which is clearly statutory subject matter. Express support for this amendment is to be found, *inter alia*, at page 6, line 31 - page 7, line 4.

Additionally, a new abstract is presented herewith in which the informal language "Figure 4" is deleted.

In view of the foregoing amendments and remarks, it is respectfully submitted that claim 12, as herewith amended, now fully complies with the requirements of §101 because only statutory subject matter is claimed. Additionally, it is respectfully submitted that this claim is allowable on the merits, since it depends from a previously-allowed claim. Accordingly, it is respectfully submitted that the instant application is now in

condition for allowance at the present time, and favorable consideration is earnestly solicited.

Respectfully submitted,

By 

Steven R. Biren, Reg. 26,531
Attorney
(914) 333-9630